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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/050,956	01/22/2002	Kenichi Iiyama	218140US2	1981
22850	7590	12/30/2003		
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER LEWIS, RALPH A	
			ART UNIT	PAPER NUMBER
			3732	9
DATE MAILED: 12/30/2003				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/050,956

Applicant(s)

IYAMA ET AL

Examiner

Ralph A. Lewis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

Rejections based on Prior Art

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Duret et al (US 4,742,464) in view of Riley et al (US 5,121,33) and Andersson et al (5,440,496).

Duret et al discloses a measuring center 103, 104, 105, 106, 107, 108 wherein a patient's teeth are scanned electronically and three dimensional data generated with respect thereto. Claim 1, suggests that the data be obtained from a plaster model rather than the patient's mouth. It is somewhat unclear whether the obtaining the data from a plaster model is a positively claimed step to the method, however, Riley et al (column 14, lines 30-36) is cited to show that data may also be obtained from a plaster model rather than the patient's mouth; both options are well recognized in the art. The scanned data is inherently stored, at least momentarily, for submission to the design center 109, 110, 111. It is unclear as to whether the electrical wires connecting the measuring center 107 to the design center 109 meet the "first communication apparatus" limitation, however, Andersson et al is cited to show that such communication lines are conventionally modem/internet (column 4, lines 39-56). To have used a conventional data transmission means for the undisclosed transmission

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means of Duret et al would have been obvious to one of ordinary skill in the art. From the design center, Duret et al disclose the transmission of the design data to a processing center 112, 11 where the prosthesis is milled from a block of material. Again it is unclear if the Duret et al electrical wire connection meets the "second communication apparatus" limitation, however, Andersson et al is cited to show that such communication lines are conventionally modem/internet (column 4, lines 39-56). To have used a conventional data transmission means for the undisclosed transmission means of Duret et al would have been obvious to one of ordinary skill in the art.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Franetzki (WO 96/37163) in view of Riley et al (US 5,121,33) and Andersson et al (5,440,496).

Franetzki discloses a measuring center wherein a patient's teeth are scanned electronically and three dimensional data generated with respect thereto. Claim 1, suggests that the data be obtained from a plaster model rather than the patient's mouth. It is somewhat unclear whether the obtaining the data from a plaster model is a positively claimed step to the method, however, Riley et al (column 14, lines 30-36) is cited to show that data may also be obtained from a plaster model rather than the patient's mouth; both options are well recognized in the art. The scanned data is inherently stored, at least momentarily, for submission to the design center. It is unclear as to whether the connection of the measuring center to the design center meets the "first communication apparatus" limitation, however, Andersson et al is cited to show that such communication lines are conventionally modem/internet (column 4, lines 39-

56). To have used a conventional data transmission means for the transmission means of Franetzki would have been obvious to one of ordinary skill in the art. From the design center, Franetzki discloses the transmission of the design data to a processing center 112, 11 where the prosthesis is milled from a block of material. Again it is unclear if the Franetzki connection meets the "second communication apparatus" limitation, however, Andersson et al is cited to show that such communication lines are conventionally modem/internet (column 4, lines 39-56). To have used a conventional data transmission means for the transmission means of Franetzki would have been obvious to one of ordinary skill in the art.

Action made Final

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication should be directed to **Ralph Lewis** at telephone number **(703) 308-0770**. Fax (703) 872-9306. The examiner works a compressed work schedule and is unavailable every other Friday. The examiner's supervisor, Kevin Shaver, can be reached at (703) 308-2582.

R.Lewis
December 29, 2003



Ralph A. Lewis
Primary Examiner
Au 3732